

EXHIBIT 7

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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CHASOM BROWN; MARIA NGUYEN;
WILLIAM BYATT; JEREMY DAVIS;
and CHRISTOPHER CASTILLO,
individually and on behalf
of all other similarly
situated,

Plaintiffs,
vs. No. 5:20-cv-03664-LHK
GOOGLE LLC,
Defendant.

CONFIDENTIAL

REMOTE VIDEOTAPED DEPOSITION OF BRIAN RAKOWSKI
THURSDAY, AUGUST 19, 2021

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8

Plaintiffs,

9 vs.

No. 5:20-cv-03664-LHK

10 GOOGLE LLC

Defendant.

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12 ALSO PRESENT: Matthew Gubiotti, Google

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15 ---oo---

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1 Can you clarify "the inventor." What do you 09:11
2 mean by "the inventor"? 09:11
3 MR. RICHARDSON: Q. Are you the person who 09:11
4 invented Incognito Mode for the Chrome browser? 09:11
5 A I would say that I'm one of the people who 09:11
6 helped design it, but I wouldn't take full credit for 09:11
7 inventing it. 09:11
8 Q Would it be inaccurate to say that you were 09:11
9 the inventor of Incognito Mode? 09:11
10 MS. TREBICKA: Objection; form. 09:11
11 THE WITNESS: I would take objection to the 09:11
12 word "the," the article "the." If you said "an 09:11
13 inventor," I would -- I would say yep. 09:12
14 MR. RICHARDSON: Q. But if someone 09:12
15 introduced you as the inventor of Incognito Mode, you 09:12
16 would correct that; is that right? 09:12
17 A That's right. 09:12
18 MS. TREBICKA: Objection; form. 09:12
19 MR. RICHARDSON: Q. Are you aware of anyone 09:12
20 referring to you as the father of Incognito Mode? 09:12
21 A I've heard a similar construction. I don't 09:12
22 know if I've heard that exact construction. 09:12
23 Q What construction have you heard? 09:12
24 A I can't exactly recall. There was a -- 09:12
25 there -- there was a -- I can't exactly recall, but -- 09:12

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1 but something to the effect of the father of Incognito 09:12
2 would be fairly accurate. 09:12
3 Q Is it commonly or generally known within 09:12
4 Google that you're the father of Incognito Mode? 09:12
5 MS. TREBICKA: Objection; calls for 09:12
6 speculation. 09:12
7 THE WITNESS: I don't think so. 09:13
8 MR. RICHARDSON: Q. What is Incognito Mode? 09:13
9 MS. TREBICKA: Objection; vague. 09:13
10 THE WITNESS: Incognito is a feature of the 09:13
11 Chrome browser. 09:13
12 MR. RICHARDSON: Q. And when did Google come 09:13
13 up with that name Incognito Mode as a feature of the 09:13
14 Chrome browser? 09:13
15 A We came up with it before launch. I'm not 09:13
16 certain exactly how far before launch. 09:13
17 Q And if you know, who came up with the idea to 09:13
18 name Google's private browsing mode Incognito Mode? 09:13
19 A I don't remember who in the team came up with 09:13
20 the idea. 09:13
21 Q Did you come up with the idea? 09:14
22 A It's possible. 09:14
23 Q Who else could have come up with the idea? 09:14
24 Who else was part of that team? 09:14
25 A Typically in product naming -- as I said, I 09:14

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1 don't remember specifically in this case. But 09:14
2 typically in product naming, the marketing, 09:14
3 engineering, and product teams will assemble a list of 09:14
4 suggestions. 09:14

5 Q What are the names of the individuals that 09:14
6 were part of those teams who could have came up with 09:14
7 the Incognito name? 09:14

8 A I don't remember. 09:14

9 MS. TREBICKA: Objection to form; calls for 09:14
10 speculation. 09:14

11 THE WITNESS: I don't recall the full list 09:14
12 of -- of people who could have submitted suggestions 09:14
13 into that process. Some of them may not have even 09:14
14 been on the team at the time. 09:14

15 MR. RICHARDSON: Q. What names do you 09:15
16 recall? 09:15

17 A The key people, key collaborators, the people 09:15
18 I worked most closely at the time would have been 09:15
19 Anna-Christina Douglas, who was our marketing lead; 09:15
20 Glen Murphy, who is our UX leader; and the engineering 09:15
21 team, which was led by Linus Upson at the time. 09:15

22 Q Why is the private browsing mode for Chrome 09:15
23 named Incognito? 09:15

24 MS. TREBICKA: Objection to form. Objection; 09:15
25 vague, more specifically. 09:16

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1 THE WITNESS: When -- when naming a feature, 09:16
2 we try to consider a range of -- of -- of names and 09:16
3 give it the best name from those options. 09:16
4 If you can be more specific, that might help 09:16
5 me answer. 09:16
6 MR. RICHARDSON: Q. Do you recall any other 09:16
7 names that were considered for the Chrome private 09:16
8 browsing mode other than Incognito? 09:16
9 A It's hard to remember. We considered lots of 09:16
10 names, like, some whimsical names, you know, such as 09:16
11 Invisibility Cloak or, you know, something really 09:16
12 whimsical. We considered some very literal names that 09:16
13 would have matched other -- similar features in other 09:16
14 products, such as -- I can't remember -- Off the 09:17
15 Record or Private Browsing. I'm not exactly sure. 09:17
16 I'm trying -- trying to reconstruct memories here. 09:17
17 Q Are there any other names that you can think 09:17
18 of that were considered as alternatives to the name 09:17
19 Incognito? 09:17
20 A I can't recall the -- the list. It's been -- 09:17
21 it's been a while. But we did -- I do recall 09:17
22 considering many alternatives to arrive at the final 09:17
23 feature name, which would have been typical for any 09:17
24 feature that we would name. 09:17
25 Q If you know, who at Google made the decision 09:18

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1 to select Incognito as the name for the Chrome private 09:18
2 browsing mode? 09:18
3 A Well -- 09:18
4 MS. TREBICKA: Assumes facts; objection. 09:18
5 THE WITNESS: -- I'm not sure there is an 09:18
6 answer to your question. At Google, things aren't 09:18
7 really decided by one person. 09:18
8 MR. RICHARDSON: Q. If it's more than one 09:18
9 person, who is that group of people that made the 09:18
10 decision? 09:18
11 A It would have been the people I named as my 09:18
12 key collaborators and myself. 09:18
13 Q So the individuals who would have decided to 09:18
14 use the Incognito name would have included yourself, 09:18
15 Anna-Christina Douglas, Glen Murphy, and Linus Upson; 09:18
16 is that correct? 09:18
17 A That's -- that's fair, with input from many 09:18
18 more people. 09:18
19 Q Did Mr. Pichai provide any input on the 09:18
20 selection of the Incognito name? 09:18
21 A I don't believe so, but I don't recall. 09:19
22 Q Was Mr. Eric Schmidt involved in that 09:19
23 decision in any way? 09:19
24 A I don't think so. 09:19
25 Q What about Mr. Larry Page? 09:19

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1 A I don't think so. 09:19

2 Q What considerations went into making that 09:19

3 decision to call the Chrome private browsing mode 09:19

4 Incognito? 09:19

5 MS. TREBICKA: Objection to form. 09:19

6 THE WITNESS: Some of the considerations 09:19

7 would have been, we wanted -- something that was 09:19

8 important to me at the time was that some of the -- 09:19

9 the names, the features, had a bit of a -- a bit of 09:19

10 fun to them. They weren't the standard boring names 09:19

11 that you would find in other products. 09:19

12 We also wanted a name that was -- that was -- 09:20

13 that would help users understand what the mode was 09:20

14 for. 09:20

15 And it needed to be short enough to work in 09:20

16 the user interface to fit in a menu so that we could, 09:20

17 you know, have a way to refer to it, as with any -- as 09:20

18 with any feature names. 09:20

19 MR. RICHARDSON: Q. Why was it that you 09:20

20 didn't want a name for the Chrome private browsing 09:20

21 mode that was boring? 09:20

22 A As a -- as a new browser and a challenger in 09:20

23 the space, we really wanted to have a bit of 09:20

24 personality in the product. 09:20

25 And so there are several places across the 09:20

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1 product where we found places to put, you know, a 09:20
2 little bit of -- of Google's or the team's personality 09:20
3 through naming or imagery or -- or wordings in 09:20
4 messages. We wanted it to be memorable and fun to 09:21
5 use. 09:21

6 Q Was it the same team of people involved with 09:21
7 the selection of the icon for the Incognito Mode? 09:21

8 MS. TREBICKA: Objection; vague. 09:21

9 THE WITNESS: Yes. 09:21

10 MS. TREBICKA: Go ahead. 09:21

11 THE WITNESS: Sorry. 09:21

12 Yeah, largely. 09:21

13 MR. RICHARDSON: Q. Were there additional 09:21
14 individuals involved with the selection of the 09:21
15 Incognito icon? 09:21

16 A I can't recall with respect to that specific 09:21
17 icon. 09:21

18 Q As best you can recall, when did development 09:21
19 of Incognito Mode begin? 09:21

20 A I would have to give a range, because I can't 09:21
21 recall exactly. It likely would have been somewhere 09:21
22 between 2006 and early 2008. 09:22

23 Q And who was involved with the development of 09:22
24 Incognito Mode for the Chrome browser? 09:22

25 A Myself as the product manager, the design 09:22

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1 team led by Glen Murphy, and the engineering team 09:22
2 would have been the -- the primary team. 09:22
3 Q And how does Incognito Mode work with 09:22
4 Google's Chrome browser? 09:22
5 MS. TREBICKA: Objection; vague. 09:22
6 THE WITNESS: Can you please be more 09:22
7 specific. 09:22
8 MR. RICHARDSON: Q. More specific than how 09:22
9 it works? 09:22
10 A Correct. 09:23
11 Q How does Incognito Mode function in the 09:23
12 Google Chrome browser? 09:23
13 A I'm sorry. I was asking, because the way -- 09:23
14 the way it works to a user is, you open a menu, select 09:23
15 new Incognito window, or you hit a keyboard shortcut 09:23
16 to open an Incognito window. 09:23
17 I'm not sure if that's the answer you're 09:23
18 looking for. 09:23
19 Q That's helpful. 09:23
20 Does the Chrome browser have different modes? 09:23
21 A "Mode" is a very general term in -- in my 09:23
22 line of work, so I'm not sure what -- how you're using 09:23
23 it. But there are many different ways you could say 09:23
24 that there's modes. 09:23
25 Q Is there a difference between Incognito Mode 09:23

1 CERTIFICATE OF REPORTER

2

3 I, ANDREA M. IGNACIO, hereby certify that the
4 witness in the foregoing remote deposition was by me
5 remotely sworn to tell the truth, the whole truth, and
6 nothing but the truth in the within-entitled cause;

7 That said deposition was taken in shorthand
8 by me, a disinterested person, at the time and place
9 therein stated, and that the testimony of the said
10 witness was thereafter reduced to typewriting, by
11 computer, under my direction and supervision;

12 That before completion of the deposition,
13 review of the transcript [x] was [] was not
14 requested. If requested, any changes made by the
15 deponent (and provided to the reporter) during the
16 period allowed are appended hereto.

17 I further certify that I am not of counsel or
18 attorney for either or any of the parties to the said
19 deposition, nor in any way interested in the event of
20 this cause, and that I am not related to any of the
21 parties thereto.

22 Dated:

23 _____

24 ANDREA M. IGNACIO, RPR, CRR, CCRR, CLR, CSR No. 9830

25